

STATE OF INDIANA

COUNTY OF VERMILLION

IN RE: DANA CLORE,

IN THE VERMILLION CIRCUIT COURT

USE NO. 83C01-0406-MI-12

AVC NO. 04-014

Respondent:

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General

CLERK VERMILLION COUNTY COURT

Terry Tolliver, and the Respondent, Dana Clore, enter into an Assurance of Voluntary Compliance ("Assurance"), pursuant to Indiana Code § 24-5-0.5-7.

Any violation of the terms of this Assurance constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. The Respondent is an individual, residing at 1424 S. 3<sup>rd</sup> Street, Clinton, IN 47842, and transacts business with consumers via the Internet.
2. The terms of this Assurance apply to and are binding upon the Respondent, her employees, agents, representatives, successors, and assigns.
3. The Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Indiana Code § 4-6-9-4 and Indiana Code § 24-5-0.5-1 *et seq.*
4. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing either orally or in writing that the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the Respondent knows or should reasonably know it does not have.

5. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing either orally or in writing that she is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when she knows or reasonably should know she cannot.

6. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing either orally or in writing that the consumer will be able to purchase the subject of the consumer transaction as advertised by the Respondent, if the Respondent does not intend to sell it.

7. The Respondent, in soliciting and/or contracting with consumers, agrees to fully comply with the Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1 *et seq.*

8. Upon execution of this Assurance, the Respondent shall pay costs in the amount of Three Hundred Dollars (\$300.00) to the Office of the Attorney General.

9. The Respondent shall not represent that the Office of the Attorney General approves or endorses the Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

10. The Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

11. The Office of the Attorney General shall file this Assurance with the Circuit Court of Vermillion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 29 day of May, 2004.

STATE OF INDIANA

RESPONDENT

STEVE CARTER  
Indiana Attorney General

Dana X Clore  
DANA CLORE

By:

Terry Tolliver  
Terry Tolliver  
Deputy Attorney General  
Atty. No. 22556-49  
Office of Attorney General  
302 W. Washington, 5th Floor  
Indianapolis, Indiana 46204  
Telephone: (317) 233-3300

APPROVED, this 10 day of June, 2004.

Bruce J. Hays  
Judge, Vermillion County Circuit Court